

Claimant testified that in September of 1994 he injured his right shoulder when he was lifting an object to remove a rope underneath the object. There appears to be no

dispute that claimant advised his supervisor of the injury within fifteen (15) minutes. Respondent disputes the injury because the evidence also established that claimant did substantial weight lifting in January of 1995. Respondent also points out that claimant did not seek medical treatment until February of 1995. The evidence relating to the weight lifting point does raise doubts about claimant's testimony and version of the facts. However, the Administrative Law Judge has had the opportunity to observe the witness and has found the claimant's version of the facts to be credible. The Appeals Board concludes that the doubts raised by the evidence are not sufficient to outweigh the testimony by the claimant and therefore affirms the decision by the Administrative Law Judge.

WHEREFORE, the Appeals Board finds that the Order of Administrative Law Judge Shannon S. Krysl dated June 7, 1995 should be, and the same is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of December 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Dennis Phelps, Wichita, KS
Frederick L. Haag, Wichita, KS
Steven L. Foulston, Wichita, KS
Shannon S. Krysl, Administrative Law Judge
Philip S. Harness, Director